

# Congress of the United States

Washington, DC 20515

July 31, 2003

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

In this year's State of the Union address, you stated that your proposed Clear Skies Act "mandates a 70 percent cut in air pollution from power plants over the next 15 years."<sup>1</sup> The Environmental Protection Agency (EPA) analysis of the Clear Skies Initiative that was available before the State of the Union address reveals that this statement is simply not true.

EPA modeling makes clear that the goal to reduce emissions by 70 percent will not be achieved over the next 15 years (by 2018), as you stated. A September 2002 EPA analysis indicates that in 2020 your proposal would achieve slightly less than a 65 percent reduction in emissions.<sup>2</sup> EPA predicted that even 18 years after enactment, emissions reductions would still fall approximately 945,000 tons of pollution short of a 70 percent reduction.

At a time when the States have to work hard to achieve every additional ton of air pollution reduction, nearly a million tons of extra air pollution is a substantial discrepancy.

Moreover, on July 1, 2003, EPA released updated modeling that reveals that your proposal would eliminate even less pollution over the next 15 years (by 2018) than previously predicted. According to EPA, by 2020, your proposal would reduce annual SO<sub>2</sub>, NO<sub>x</sub>, and mercury emissions by only 63 percent.<sup>3</sup> This means that even two years after the timeframe promised in the State of the Union address, power plant air pollution would still exceed the caps of the Clear Skies Act by an additional 1,260,000 tons.

Under your proposal, a substantial majority of the emissions reductions would be achieved by reducing SO<sub>2</sub> emissions. Yet the cap of SO<sub>2</sub> emissions would be attained so distantly in the future that EPA modelers refuse to identify a specific year that the 3 million ton annual emissions cap will be attained. At a congressional briefing, the EPA staff said the cap

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<sup>1</sup> State of the Union Address (January 28, 2003)(available on line at <http://www.whitehouse.gov/news/releases/2003/01/20030128-19.html> ). This statement was presumably based on your proposal's goal of capping sulfur dioxide (SO<sub>2</sub>) emissions at 3 million tons, nitrogen oxides (NO<sub>x</sub>) emissions at 1.7 million tons, and mercury emissions at 15 tons, or 4.7 million tons per year on an aggregate basis. This would amount to a 70.8% reduction in emissions of these pollutants from levels emitted in 2000.

<sup>2</sup> U.S. EPA, *The Clear Skies Act: Technical Support Package* (Sept. 2002).

<sup>3</sup> U.S. EPA, *Initial Results of Updated Clear Skies Analysis* (July 1, 2003).

could be reached "maybe in 2025." This is startlingly different than your assurance that a 70 percent reduction would be mandated over the next 15 years, or by 2018.

Many experts believe that the Clear Skies legislation will allow more air pollution than current law. Regardless of policy disputes about whether the Clean Air Act should be weakened, Congress and the public need to be able to rely on the veracity of your statements in order to evaluate the competing policies and proposals. Based on EPA modeling, your statement in the State of the Union appears to fail this test.

Mr. President, we urge you to correct your statement or supply Congress and the American people with any additional analytical work upon which your statement was based. Alternatively, you could direct EPA to modify the Clear Skies proposal to be in accordance with your statement. Although these actions would not ameliorate our concerns about the merits of the proposal, if we are to have a fair and honest debate, we must begin with accurate and complete information.

Sincerely,



Thomas H. Allen  
Member of Congress



Edward J. Markey  
Member of Congress



Frank Pallone, Jr.  
Member of Congress



Lois Capps  
Member of Congress